

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF TEXAS
AUSTIN DIVISION

JAMES GREEN,

Plaintiff,

v.

LUMICO LIFE INSURANCE
and NIELS KEUKER,

Defendants.

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1:23-CV-1274-RP

ORDER

Before the Court is the amended report and recommendation of United States Magistrate Judge Dustin Howell concerning Plaintiff's Application to Proceed In Forma Pauperis, (Dkt. 2). (Am. R. & R., Dkt. 9). Pursuant to 28 U.S.C. § 636(b) and Rule 1(d) of Appendix C of the Local Rules of the United States District Court for the Western District of Texas, Judge Howell issued his report and recommendation on April 16, 2024. (*Id.*). As of the date of this order, no party has filed objections to the report and recommendation.

Pursuant to 28 U.S.C. § 636(b), a party may serve and file specific, written objections to a magistrate judge's proposed findings and recommendations within fourteen days after being served with a copy of the report and recommendation and, in doing so, secure de novo review by the district court. When no objections are timely filed, a district court can review the magistrate's report and recommendation for clear error. *See* Fed. R. Civ. P. 72 advisory committee's note ("When no timely objection is filed, the [district] court need only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.").

Because no party has filed timely objections, the Court reviews the report and recommendation for clear error. Having done so and finding no clear error, the Court accepts and adopts the report and recommendation as its own order.

Accordingly, the Court **ORDERS** that the amended report and recommendation of United States Magistrate Judge Dustin Howell, (Dkt. 9), is **ADOPTED**.

IT IS FURTHER ORDERED that Plaintiff's cause of action, (Dkt. 1), is **DISMISSED**. Specifically, to the extent Plaintiff asserts claims or damages pursuant to the Federal Reserve Act, these claims are **DISMISSED** pursuant to 28 U.S.C. § 1915(e)(2), as the Federal Reserve Act does not confer on private citizens the right to sue. Additionally, Plaintiff's claim for breach of contract is **DISMISSED** for failure to state a claim upon which relief may be granted pursuant to 28 U.S.C. § 1915(e)(2).

The Court will enter final judgment by separate order.

SIGNED on May 9, 2024.



ROBERT PITMAN
UNITED STATES DISTRICT JUDGE